BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of:	)	
	)	
Amendment of the Commission's Rules	)	WT Docket No. 97-81
Regarding Multiple Address Systems	)	
	)	
To the Commission:	)	

REPLY COMMENTS OF RADSCAN, INC.

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SUMMARY

The comments in this proceeding support Radscan's view that the Commission should not restrict the 928/952/956 MHz MAS bands to private, internal use. Instead, the Commission should maintain the current mixed-use licensing rules in these bands.

The vast majority of parties who believe that their existing or proposed uses of these bands are not subscriber-based favor the Commission's proposal to set aside these bands exclusively for private use because they believe there is a sizable pent-up demand for new private-use MAS channels. But a private allocation of the 928/952/956 MHz bands would do nothing to help alleviate this demand because there are virtually no vacant channels in these bands. Although some parties advocate relocating incumbents to other bands, they suggest no viable way to do so. Radscan and other parties have demonstrated that such action would be prohibitively expensive, detrimental to the public interest, and not result in a net gain of MAS spectrum for private use.

Retaining the present mixed-use rules in the 928/952/956 MHz bands has several advantages. First, it avoids the need for distinguishing between a subscriber-based and a private use. No clear definition of these terms exists, and the comments reveal that there are widely divergent views on the application of these terms to specific services. Second, it permits existing beneficial uses of these frequencies to continue, including private carrier offerings. Third, it promotes the most efficient use of scarce MAS spectrum by allowing existing subscriber-based licensees to expand their operations on their current channels.

If necessary, Radscan would reluctantly support the limitation of only the Power Pool channels to private, internal use, while leaving the General Access Pool channels available for all uses. In addition, Radscan continues to believe that the conversion of existing site-by-site licenses to geographic-area licenses on a voluntary basis would be beneficial to some MAS

licensees and the Commission staff. Finally, Radscan urges the Commission to ensure that MAS licensees can continue to use their spectrum for point-to-point operations as long as they satisfy the Commission's primary point-to-multipoint rules.

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Radscan, Inc. ("Radscan"), by its attorneys, and pursuant to Section 1.415(a) of the Commission's Rules, hereby submits its reply comments in the above-captioned proceeding.[1/] In its comments, Radscan showed why the Commission should retain the present, mixed-use licensing rules in the 928/952/956 MHz bands.[2/] Although many parties support the Commission's tentative conclusion to restrict these bands to private use, they do not offer any compelling justification for such a restriction. In fact, the comments actually strengthen the case for retaining the status quo.

I. THE DEMAND FOR ADDITIONAL MAS FREQUENCIES CANNOT BE SATISFIED BY A PRIVATE ALLOCATION OF THE 928/952/956 MHz BANDS SINCE THESE BANDS ARE VIRTUALLY EXHAUSTED.

The comments show that an exclusive private allocation of the 928/952/956 bands will not satisfy the increasing demand for MAS frequencies because these bands have been saturated for years. Nevertheless, several parties favor an exclusive set aside of these bands for private use based on their need for additional channel capacity. For example, Southern California Edison states:

1/ *Amendment of the Commission's Rules Regarding Multiple Address Systems, Notice of Proposed Rule Making*, FCC 97-58 (rel. Feb. 27, 1997) (*Notice*).

2/ Radscan comments at 5-13.

> There are currently only a limited number of channels available in the 928/952/956 MHz bands for internal communication needs, and it is anticipated that there will be an even greater need for them in the future. The electric utilities rely on these channels for MAS-based power administration.[3/]

Similarly, Delmarva Power and Light states:

> Delmarva's ability to maintain and expand its MAS operations is critical to the ongoing utility activities in which Delmarva is engaged. . . . It is therefore vital that MAS spectrum be designated for private use.[4/]

The American Petroleum Institute (API) explains that increased demand for MAS spectrum among energy companies could be due, in part, to new regulations of the Federal Energy Regulatory Commission (FERC).[5/] Comsearch, a frequency coordination firm, agrees with these private users that "existing internal communications requirements justify a purely private spectrum allocation at the 928/952/956 MHz bands."[6/] Comsearch believes that limiting these bands to private use "will certainly alleviate some of the competing demand for the spectrum."[7/]

3/ Southern Cal. Edison comments at 3.

4/ Delmarva comments at 3-4.

5/ API comments at 8. Microwave Data Systems also discusses these new FERC regulations, and states that "[i]t would be irresponsible for one federal agency to be reducing the availability of MAS capacity at the very time that another federal agency [FERC] is mandating that utilities implement real-time data capability." Microwave Data Systems comments at 8. *See also* UTC comments at 9 n.10 ("Ironically, many pipelines applied for channels in the 932/941 MHz bands in hopes of meeting these new requirements.").

6/ Comsearch comments at 2.

7/ *Id. See also* UTC comments at 18 ("based on the strong current and projected demand, the FCC should preserve the 928/952/956 MHz channels for private, internal use only"); Affiliated American Railroads comments at 2 (urging the Commission to create a private allocation in the 928/952/956 MHz bands because of the "projected increase in the need for MAS frequencies by the railroads").

Significantly, not one party would be satisfied with the Commission's proposal to allocate *only* the 928/952/956 MHz bands to private use, and keep private users out of the other MAS bands. The problem with the proposal to restrict private users to the 928/952/956 MHz bands, as API puts it, is that it "would lead to a substantial decrease in the number of channels available for private use."[8/] In other words, private MAS users do not necessarily need the 928/952/956 MHz bands -- they simply need more MAS channels.

A private use set-aside of the 928/952/956 MHz bands does not address the need for more MAS channels because there are virtually no unlicensed channels to be had in these bands. All parties agree that the 928/952/956 MHz bands are exhausted. The American Water Works Association states that "in major metropolitan areas, the supply of MAS channels has been exhausted for years."[9/] API states that the 928/952/956 MHz bands are "insufficient to meet even the existing demand for private MAS paired channels."[10/] Comsearch states that "a survey of the Comsearch MAS database and our experience at assigning channels in these band segments further indicates that the spectrum is all but exhausted in many areas of the country."[11/] GTECH states that no frequency pairs are available in urban areas, and very few are available even in less-populated areas.[12/] The Public Service Company of New Mexico states that "[t]he existing 928/952 MHz MAS frequencies are already in short supply in many areas of New Mexico."[13/] In view of this situation, it is clear that setting aside the

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8/ API comments at 10.

9/ American Water Works comments at 9.

10/ API comments at 9.

11/ Comsearch comments at 2.

12/ GTECH comments at 4.

13/ PSC of New Mexico comments at 2.

928/952/956 MHz bands for private use will *not* help alleviate the demand for private MAS spectrum.[14/]

II. RELOCATING INCUMBENT LICENSEES FROM THE 928/952/956 MHZ BANDS TO OTHER BANDS IS NOT A VIABLE WAY TO FREE UP ADDITIONAL CHANNELS FOR PRIVATE INTERNAL USE.

Several parties, recognizing that the saturation of the 928/952/956 MHz bands makes a private set-aside of those bands nearly useless, recommend that incumbent subscriber-based licensees not be grandfathered, but instead be relocated to other frequencies.[15/] Notably, the record is devoid of even a suggestion as to how such a relocation could be accomplished. In fact, relocating incumbent subscriber-based licensees in the 928/952/956 MHz bands is *not* a viable way in which to recover additional spectrum for private use. Relocating incumbents is technically infeasible and inconsistent with FCC precedent. Moreover, it would not result in a net gain in the number of MAS channels available for private use.

[14/] Some parties suggest a variety of ill effects that would arise if the 928/952/956 MHz bands were made available for subscriber-based uses. *See, e.g.*, American Water Works comments at 6 ("any unused channels [in the 928/952/956 MHz bands] must be protected from speculative and subscriber based applicants"); Delmarva comments at 3-4 ("permitting continued access by commercial MAS licensees to the spectrum in the 928/952/956 MHz bands will almost certainly lead to a spectrum grab by commercial use licensees"); Data Address Systems comments at 4 ("subscriber-based communications threaten the more fundamental industrial-based communications"); Southern Cal. Edison comments at 3 ("any significant future use of [the 928/952/956 MHz] bands for subscriber-based services would create a serious potential for disruption of service and increased costs for both utility companies and their customers"). However, since these bands have been available for subscriber-based uses for the past 15 years, any new problems associated with such uses are unlikely to arise if the Commission simply retains its current rules.

[15/] *See* Comsearch comments at 3 ("the Commission could require the relocation of the existing subscriber based system out of the bands designated for private use"); American Water Works comments at 11 ("guidelines to relocate these subscriber licensees should be promulgated as quickly as possible to minimize hardship claims made on behalf of the affected parties").

In its comments, Radscan explained why it would effectively be impossible to redesign its security monitoring equipment to operate in other MAS bands.[16/] CellNet agrees that the MAS bands are not fungible because the different separations between the transmit and receive channels in the bands require that substantial engineering changes be made to adapt existing radios for use in different bands.[17/] CellNet adds that, unlike the 928/952/956 MHz bands, operations in the 932/941 MHz bands must be shared with public mobile service licensees who operate at significantly higher EIRPs.[18/] Both CellNet and Radscan demonstrated the significant costs involved in converting equipment from one band to another -- costs that are not accompanied by any corresponding benefits.

For just these reasons, in an earlier proceeding the FCC properly rescinded a rule that would have required MAS incumbents to phase out the use of one kind of equipment and switch over to another.[19/] The Commission initially had removed a grandfathering provision under which MAS licensees had been permitted to continue using 25 kHz bandwidths, and had required those licensees to migrate to 12.5 kHz systems.[20/] In granting Radscan's petition for reconsideration, the Commission reinstated the 25 kHz grandfathering rule. The Commission found, as Radscan had contended, that MAS licensees could not amortize equipment designed for 25 kHz bandwidths over a period of time and gradually phase in the use of new equipment

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16/ Radscan comments at 10-11.

17/ CellNet comments at 8.

18/ *Id.* at 8-9.

19/ *Amendment of Rules to Eliminate Grandfathering Provisions Applicable to Licensees on MAS Frequencies, Memorandum Opinion and Order*, 8 FCC Rcd 2801, 2802 (1993).

20/ *See Amendment of Rules to Eliminate Grandfathering Provisions Applicable to Licensees on MAS Frequencies, Report and Order*, 6 FCC Rcd 3721, 3723 (1991) (proposing a "reasonable time for the phase-out and amortization of [25 kHz] MAS equipment").

designed for 12.5 kHz bandwidths, because MAS facilities cannot operate on the two kinds of equipment simultaneously. Nor could licensees shift immediately to the use of new equipment without the loss of important safety benefits.[21/] Therefore, any proposal to relocate subscriber-based incumbents out of the 928/952/956 MHz bands would require an effective reversal of Commission precedent when the case against relocation in this proceeding is even stronger than before.[22/]

Forcing incumbent licensees to move off the 928/952/956 MHz channels would be especially wasteful given that relocating MAS licensees results in no overall gain in the number of available MAS channels. The supply of MAS channels is fixed at present; relocating incumbent systems merely shuffles the bands and does not result in the availability of more MAS spectrum for private, internal use. Instead of relocating incumbents to alternative bands and permitting private licensees to apply for the vacated channels, the Commission should simply permit private licensees to apply directly for channels in the alternative bands.

[21/] *Id.* at 2802 n.16 ; *see also* Petition for Reconsideration of Radscan, PR Docket No. 90-260, at 12-13 (Aug. 7, 1991).

[22/] *See Greater Boston Television Corp. v. FCC*, 444 F.2d 841, 852 (D.C. Cir.), *cert. denied*, 403 U.S. 923 (1971) ("an agency changing its course must supply a reasoned analysis indicating that prior policies and standards are being deliberately changed, not casually ignored").

III. MAINTAINING THE STATUS QUO AVOIDS THE NEED TO DRAW DIFFICULT AND UNNECESSARY DISTINCTIONS BETWEEN SUBSCRIBER-BASED AND PRIVATE USE OF THE 928/952/956 MHz BANDS.

By maintaining the status quo, the Commission will avoid the need to draw difficult and unnecessary distinctions among differing MAS uses of the 928/952/956 MHz bands. The comments indicate that this will be a contentious issue.[23/]

In the nearly four years since Congress granted the Commission authority to auction licenses for subscriber-based uses, a clear definition of "subscriber-based" has never emerged. Thus, parties in this proceeding have proposed their own definitions and, in so doing, have arrived at some surprising conclusions when it comes to the application of those definitions to specific MAS services.

For example, the Washington Suburban Sanitary Commission (WSSC), a provider of water and wastewater services, defines subscriber-based licensees as "licensees whom [*sic*] provide a service using radio spectrum to subscribers, even though the communications service itself may not constitute the end product."[24/] WSSC evidently believes that water and wastewater services do not fall into this category, but central alarm services and vending monitoring services do.[25/] This distinction makes no sense. Under its own definition, subscriber-based licensees "have a fee-for-service relationship with customers in which the customer benefits from subscription-based access to the provider's facilities."[26/] This definition

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23/ As Radscan pointed out in its initial comments, the distinction between subscriber-based and private, internal use serves no useful operational purpose, and is required only as an element of the decision to award licenses by competitive bidding. *See* Radscan comments at 8.

24/ WSSC comments at ¶ 44. American Water Works filed similar comments.

25/ *Id.*

26/ WSSC comments at ¶ 13.

is as applicable to WSSC's relationship with its water and wastewater subscribers as it is to Radscan's relationship with its central station alarm subscribers. WSSC's customers pay a fee for water services, and central station alarm companies' customers pay a fee for security monitoring services.

WSSC also states that subscription-based access "is normally achieved using equipment supplied by the provider at the customers' premises."[27] But many utilities, such as Baltimore Gas and Electric Co. (BGE), which consider themselves private users,[28] install radio equipment at subscribers' premises to monitor and control service usage. These utilities use radio spectrum to enable them to provide energy, water, and other essential services to subscribers for a fee; in each case the communications service itself is not the end product. Again, direct parallels can be drawn between the utilities and the alarm industry where central stations install radio equipment at subscribers' premises for monitoring and control purposes.

Similarly, GTECH operates computerized systems and services for state lotteries and other gaming commissions using MAS channels in the 928/952/956 MHz bands. It performs this service for its subscribers, the gaming commissions, for a fee. GTECH installs wireless terminals for the transmission and reception of lottery information on some of its subscribers' premises.[29] But GTECH, like WSSC, states that it uses its MAS licenses for its internal needs and urges the Commission to set aside these bands for private internal use.[30]

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[27] *Id.*

[28] *See* BGE comments at 1.

[29] *See GTECH Installs First U.S. All-Wireless On-Line System*, http://www.gtech.com/nw/nwf.htm.

[30] *See* GTECH comments at 2.

If WSSC, BGE and GTECH are private, internal users, then so is Radscan. Radscan uses MAS frequencies, transmitting and receiving communications of its own design, in order to provide alarm monitoring services to central station alarm companies. Just as with WSSC's water services and GTECH's lottery services, the communications service is not Radscan's end product. Instead, alarm monitoring services are the end product, and the communications service is but one component that enables Radscan to provide those services to its customers reliably and efficiently. If the Commission finds Radscan's use to be private, then many of Radscan's concerns in this proceeding are alleviated. However, as described above, Radscan believes that the Commission's best course of action is not to restrict the 928/952/956 MHz bands, in which case the line-drawing issue does not arise.

IV. THE CURRENT MIXED-USE RULES PROMOTE THE MOST EFFICIENT USE OF MAS SPECTRUM.

Allocating the 928/952/956 MHz bands exclusively to private use would prohibit efficient use of the MAS spectrum. Under a private-use restriction, private users with excess transmission capacity could not lease that excess capacity to other parties with similar communications needs, and instead would be forced to maintain idle spectrum.[31/] Moreover, utilities with MAS licenses in the 928/952/956 MHz bands could not assign their licenses to private carriers and outsource their internal communications needs when their business economics so require.[32/]

31/ *See* GPM Gas Corporation comments at 7 ("if the operations of licensees in the 'exclusive' private bands were strictly limited to internal communications . . . valuable services such as FITS could not be offered").

32/ *See* Itron comments at 3 ("it is becoming increasingly common for utilities to 'outsource' their meter reading functions to third parties . . . the Commission's proposal to ban private carriage in the 928/952/956 MHz bands could have unanticipated negative consequences").

Several parties mistakenly believe that private carriage services could continue to be offered in the 928/952/956 MHz bands. For example, UTC supports the Commission's proposal to restrict the bands even though some companies provide utilities with private-carrier meter reading services for a fee.[33/] Similarly, GPM Gas Corporation supports the Commission's proposal even though it offers a subscription private carriage service to more than 180 customers.[34/] Data Address Systems states that it proposes a "data transmission service for businesses requiring periodic status reports from remote systems" -- again, a form of private carriage.[35/] These parties urge the Commission to restrict the use of the bands in which they operate, or propose to operate, exclusively to private, internal use despite the fact that this restriction would preclude the very operations they describe.[36/]

As CellNet and Itron correctly recognize, providing meter-reading services to utilities is a subscriber-based use of MAS frequencies.[37/] Traditional private carriage, in which a licensee

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[33/] *See* UTC comments at 16 n.19 ("Such private carrier arrangements are not 'subscriber-based' communications services, as these systems are designed and deployed primarily to meet the utility's specialized metering requirements."). *Accord*, Alligator Communications comments at 2. *Compare* Itron comments at 2-3 (recognizing that restricting MAS bands to private use would prohibit such outsourced private carrier arrangements).

[34/] GPM comments at 2 (describing its subscriber-based service in the 928/952/956 MHz bands); GPM comments at 5 (urging designation of these bands exclusively for private use).

[35/] Data Address Systems comments at 2. Data Address Systems applied for frequencies in the 932/941 MHz bands, and it now objects to the Commission's tentative conclusion to restrict those bands to subscriber-based use, believing that such a conclusion would require it to migrate to other bands.

[36/] *See Notice* at ¶ 13 ("we would prohibit any further subscriber-based use of [the 928/952/956 MHz] channels by future licensees, whether *on a private carrier basis* or through sharing with common carrier licensees") (emphasis added).

[37/] *See* CellNet comments at 7 (a limitation to private, internal use would precludes MAS frequencies from being used by utilities outsourcing their communications functions to private carriers); Itron comments at 3 ("the Commission should continue to allow private carriage for meter reading services").

enters into long-term contracts with certain customers to transport the customers' communications signals over the licensee's frequencies, is a subscriber-based use because the licensee receives compensation from subscribers to its communications service in return for enabling those subscribers to receive and transmit signals.[38/] Private carriage is akin to a resale of spectrum. Consistent with this analysis, the Commission has proposed auctions for 800 MHz SMR and exclusive private carrier paging services, both of which are private carrier services.[39/] The Commission has always been careful to distinguish between "private carriage," which involves the receipt of compensation from subscribers, and "private service," which does not.[40/] When a utility outsources its communications functions to another MAS licensee, the transaction is one of private carriage.

In addition to eliminating a number of efficient private carriage arrangements, restricting the 928/952/956 MHz bands would prohibit existing subscriber-based operators from expanding operations on their current channels. CellNet agrees with Radscan that the ability to expand existing systems is a necessity.[41/] Permitting incumbent systems to expand on their current channels is more efficient than requiring incumbents to apply for new channels because it reuses

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38/ *See Nat. Ass'n of Regulatory Utility Com'rs v. FCC*, 525 F.2d 630, 641-42 (D.C. Cir. 1976).

39/ *See Implementation of Section 309(j) of the Communications Act -- Competitive Bidding, Second Report and Order*, 9 FCC Rcd 2348, 2359 (1994). *See also Nat. Ass'n of Regulatory Utility Com'rs v. FCC*, 525 F.2d 630 (D.C. Cir. 1976) (*held*, 800 MHz SMR is a private carrier service).

40/ *Competitive Bidding Second Report and Order, supra,* at 2352.

41/ *See* CellNet comments at 16 ("if CellNet is unable to engage in an orderly build-out, using existing and, if needed, additional channels in the Private MAS Bands, its ability to satisfy existing contracts and those currently under negotiation would be severely impacted").

existing frequencies rather than occupying multiple frequencies. The Commission has recognized on several occasions that frequency reuse results in great spectrum efficiency.[42/]

There is no need for the Commission to eliminate these efficient, productive, and valuable uses of MAS spectrum. In CellNet's words, "Simply stated, this is a spectrum band without any licensing problems that warrant drastic wholesale allocation changes."[43/] The Commission should preserve the status quo with respect to allocation of the 928/952/956 MHz bands because it promotes the most efficient use of the MAS bands. The present licensing rules have served the MAS community well, including those who use MAS frequencies for private internal communications needs.[44/]

V. IF THE COMMISSION MUST IMPLEMENT A PRIVATE USE RESTRICTION IN THE 928/952/956 MHZ BANDS, IT SHOULD PLACE THE RESTRICTION ONLY ON THE POWER POOL FREQUENCIES.

After reviewing the comments, Radscan believes more firmly than ever that the Commission should retain the present licensing rules in the 928/952/956 MHz bands and not restrict those bands to private, internal use. However, if the Commission finds that such a

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42/ *See Amendment of Parts 2 and 22 of the Commission's Rules to Permit Liberalization of Technology and Auxiliary Service Offerings in the Domestic Public Cellular Radio Telecommunications Service, Report and Order*, 3 FCC Rcd 7033, 7033 (1988); *Spectrum Efficiency in the Private Land Mobile Radio Bands in Use Prior to 1968, Notice of Inquiry*, 6 FCC Rcd 4126, 4138-39 (1991).

43/ CellNet comments at 6.

44/ Interestingly, several parties who argue for a private set-aside of the 928/952/956 bands apparently believe that a private allocation *is* the status quo. For example, Microwave Data Systems states that these bands "should *continue* to be licensed under the existing regulations" (emphasis added). Microwave Data Systems comments at i, 7. Similarly, Sensus Technologies, which also supports the Commission's tentative proposal, recommends that the Commission make no change in the *current* licensing approach for the 956 MHz band. Sensus Comments at 1, 3.

restriction is necessary, Radscan agrees with CellNet that the Commission should only restrict the Power Pool channels to private use, and leave the General Access Pool channels open to all uses.[45/]

In response to the Commission's request for information on the use of the 928/952/956 MHz bands, only Cellnet provided any original data.[46/] While its analysis basically confirms the Commission's, it also reveals that the majority of the private use is confined to the Power Pool channels, while the General Access Pool channels remain approximately 61 percent subscriber-based. CellNet therefore proposes that if the Commission must restrict some of the 928/952/956 MHz bands for private internal use, it should limit that restriction only to the Power Pool channels, leaving unrestricted the use of the channels in the General Access Pool.

Radscan would reluctantly support this approach. There is nothing in the Communications Act that requires the Commission to allocate the entire band to private use if it finds that only a portion of the band is used primarily for private use. If CellNet is correct, then far fewer subscriber-based licensees would be disrupted by restricting only the Power Pool channels to private use than by restricting the entire band.

VI. THE COMMISSION SHOULD PERMIT SITE-BY-SITE LICENSEES TO CONVERT TO GEOGRAPHIC AREA LICENSES ON A CASE-BY-CASE BASIS.

In its initial comments, Radscan proposed that a site-by-site licensee in the 928/952/956 MHz bands be permitted to apply to convert all of its site-by-site licenses within a geographic area to a single geographic-area license. This proposal would permit MAS licensees to choose

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45/ The General Access Pool channels range from 928.00625 MHz to 928.34375 MHz. The Power Pool channels range from 928.35625 MHz to 928.84375 MHz. Radscan's two channel pairs are in the General Access Pool.

46/ CellNet comments at 14.

which licensing method to employ, and would not force either site-by-site licenses or geographic-area licenses on any MAS licensee or applicant.

The overwhelming majority of parties favor retaining site-by-site licensing for private, internal uses.[47/] This is to be expected because, in fact, only a few licensees would benefit from geographic-area licensing.[48/] However, Radscan's proposal would accommodate everyone.[49/] Under Radscan's proposal, the majority of MAS licensing would remain site-by-site; only the few licensees who would benefit thereby would convert to geographic-area licensing. While it is true, as CellNet points out, that site-by-site licensing has worked well for Radscan and a few other large MAS operators,[50/] geographic-area licensing would work even better for these operators and, at the same time, save the FCC staff significant administrative overhead.

VII. THE COMMISSION SHOULD CONTINUE TO PERMIT POINT-TO-POINT COMMUNICATIONS AMONG MAS MASTER STATIONS ON A SECONDARY BASIS.

Radscan believes that MAS licensees who use their spectrum for point-to-multipoint operations, as the Commission's rules require, should also be permitted to conduct point-to-point operations under their MAS authorizations. The Commission's rules currently permit master-to-

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47/ *See, e.g.*, UTC comments at 27 ("retain the current site-by-site licensing rules for MAS channels that are allocated for private use"); CellNet comments at ii ("[s]ite-by-site licensing procedures should be retained for the . . . bands not subject to auction"); American Water Works comments at 11 ("geographic area licensing [is] not practical for internal, private MAS systems"); Affiliated American Railroads comments at 3 ("reject geographic licensing for MAS bands used for private communications needs").

48/ *See* Black & Associates comments at 6 (recognizing that Radscan (an "alarm company [that] uses the same two frequency pairs in multiple major cities") and one or two other large MAS operators would benefit from geographic-area licensing).

49/ *Id.* at 6-7.

50/ CellNet comments at 22-23.

master communications on a secondary basis.[51/] The Commission found this to be an efficient and beneficial use of MAS frequencies in an earlier proceeding.[52/]

Many parties do not support use of MAS frequencies for point-to-point operations.[53/] However, it appears that these parties object to the primary licensing of MAS frequencies for point-to-point communications without any qualifying MAS use. Radscan agrees with these parties, but does not wish to undermine the present operational flexibility granted to MAS licensees.

CONCLUSION

Radscan respectfully requests that the Commission take action consistent with the views expressed herein.

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51/ *See* 47 C.F.R. § 101.147(b).

52/ *Amendment of Part 94 of the Rules to Permit Intrasystem Communications among Multiple Address System Master Stations, Report and Order*, 3 FCC Rcd 1564, 1568 (1988) (subsequent history omitted).

53/ *See, e.g.*, Black & Associates comments at 8; American Water Works comments at 20.